

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Armon Nahal,

Civil No. 18-631 (DWF/KMM)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Allina Health System; Kristi  
Gullickson; Kelly Moritz; Matt Kresl;  
Michael Haight; Matt Wolf;  
Lehlia Paschke; Susan Shorter;  
Jen Hanson; and Anne Stern,

Defendants.

This matter is before the Court upon Plaintiff Armon Nahal's ("Plaintiff") objections (Doc. No. 65) to Magistrate Judge Katherine M. Menendez's October 4, 2018 Report and Recommendation (Doc. No. 62) insofar as it recommends that: (1) the Moving Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint be granted and all of Plaintiff's claims under the ADA, Title VII, the MHRA, and the MCRO against Kristi Gullickson, Kelly Moritz, Matt Wolf, Michael Haight, Jen Hanson, and Anne Stern should be dismissed with prejudice for failure to state a claim; and (2) Plaintiff's claims against Lehlia Paschke and Susan Shorter under the ADA, Title VII, the MHRA, and the MCRO should be dismissed with prejudice for failure to state a claim.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of

Plaintiff's objections. In the Report and Recommendation, the Magistrate Judge concluded that: Plaintiff has failed to state a claim against the Moving Defendants under the ADA and Title VII because those statutes do not provide for liability of individual supervisors, managers, and coworkers; Plaintiff has failed to state a claim against the Moving Defendants under the MHRA and MCRO because he has not alleged facts indicating that any of the individuals were his employer; and that Plaintiff has failed to state a claim against the Moving Defendants under HIPAA because there is no private right of action under the Act. Moreover, the Magistrate Judge concluded that Plaintiff's claims against Lehlia Paschke and Susan Shorter should be dismissed for the same reasons.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). After carefully considering Plaintiff's objections, the Court finds no reason to depart from the Magistrate Judge's recommendation. Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

### **ORDER**

1. Magistrate Judge Katherine M. Menendez's October 4, 2018 Report and Recommendation (Doc. No. [62]) is **ADOPTED**.
2. The Moving Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. No. [38]) is **GRANTED** and all of Plaintiff Armon Nahal's claims

under the ADA, Title VII, the MHRA, and the MCRO against Kristi Gullickson, Kelly Moritz, Matt Kresl, Matt Wolf, Michael Haight, Jen Hanson, and Anne Stern are **DISMISSED WITH PREJUDICE** for failure to state a claim.

3. Plaintiff Armon Nahal's claims against Lehlia Paschke and Susan Shorter under the ADA, Title VII, the MHRA, and the MCRO are **DISMISSED WITH PREJUDICE** for failure to state a claim.

Dated: December 21, 2018

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge